



Rhode Island  
Department of Environmental Management

**DIVISION OF FISH AND WILDLIFE**

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**Public Hearing Summary Document**

**March 27, 2008 at 6 PM**

**URI Narragansett Bay Campus  
Corless Auditorium**

- 1) Proposed maximum gauge size for the Area 2 lobster fishery;
- 2) Proposed amendments to the recreational fluke management plan;
- 3) Proposed amendments to the recreational black sea bass management plan;
- 4) Proposed amendments to the recreational scup management plan;
- 5) Proposed amendments to section 15.14.1-1(a)(5) of the lobster management plan;
- 6) Proposed amendments to section 15.14.1-8 of the lobster management plan regarding trap tag effective dates;
- 7) Proposed amendments to the RI codfish regulations

*The public has been afforded the opportunity to comment on the proposals contained in this document at the public hearing scheduled for Thursday, March 27, 2008 (6 PM) at the URI Narragansett Bay Campus, Corless Auditorium or by submitting written comments to the Division of Fish and Wildlife, 3 Fort Wetherill Road, Jamestown, RI 02835 no later than 12:00 p.m. on March 27, 2008. Underlined and bold font indicates new language and crossed out font denotes existing language proposed for elimination.*

**1) Proposed maximum gauge size for the Area 2 lobster fishery**

**15.11.1 - Minimum and Maximum Size of Lobsters –**

**a. Minimum Size of Lobsters - No person shall catch or take from any of the waters within the jurisdiction of this state or have in their possession within this state any lobster or parts of lobsters, cooked or uncooked, which is less than the minimum gauge sizes as specified in this section, measured from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the carapace, unless said person possesses a Lobster Exemption Certificate issued by the Director consistent with the requirements of 15.11.1-1 or 15.11.1-2.**

**As of July 1, 2003 the minimum gauge size shall be 3-3/8 inches (85.73mm).**

**b. Maximum Size of Lobsters – No person shall catch or take from any of the waters within the jurisdiction of this state or have in their possession within this state any lobster or parts of lobsters, cooked or uncooked, which is greater than**

the maximum gauge size as specified in this section, measured from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the carapace.

As of July 1, 2008 the maximum gauge size shall be 5-1/4 inches (133.35mm).

#### 15.20.3 ASMFC Lobster Fishery Management Area Management Measures

##### 2. Lobster Fishery Management Area 2 (Inshore Southern New England) –

A. Minimum Gauge Size – The minimum gauge size for American lobster in LFMA 2 shall be no lower than the carapace length identified in the following schedule (RIMFC Regulation 15.11). July 1<sup>st</sup> is the deadline for implementing these minimum gauge size increases.

###### YEAR AREA 2

2001 3-9/32" (83.34 mm)

2002 3-5/16" (84.14 mm)

2003 3-3/8" (85.72 mm)

2004 No minimum gauge size increase for Area 2

B. Maximum Gauge Size – ~~There is currently no maximum gauge size for American lobster in LFMA 2.~~ The maximum gauge size for American lobster in LFMA 2 shall be no greater than the carapace length of 5-1/4 inches (133.35mm).

##### 3. Lobster Fishery Management Area 3 (Offshore Waters) –

A. Minimum Gauge Size – The minimum gauge size for American lobster in LFMA 3 shall be no lower than the carapace length identified in the following schedule. July 1<sup>st</sup> is the deadline for implementing these minimum gauge size increases.

###### YEAR AREA 3

2001 3-9/32" (83.34 mm)

2002 3-5/16" (84.14 mm)

2003 3-11/32" (84.93 mm)

2004 3-3/8" (85.72 mm)

2005\* 3-13/32"\* (86.52 mm)

2006\* 3-7/16"\* (87.31 mm)

2007\* 3-15/32"\* (88.11 mm)

2008\* 3-1/2"\* (88.90 mm)

B. Maximum Gauge Size – ~~There is currently no maximum gauge size for American lobster in LFMA 3.~~ The maximum gauge size for American lobster in LFMA 3 shall be no greater than the carapace length of 7 inches (177.80mm).

##### 4. Lobster Fishery Management Area 4 (Inshore Northern Mid-Atlantic) –

A. Minimum Gauge Size – The minimum gauge size for American lobster in LFMA 4 shall be no lower than the carapace length identified in the following schedule. The 2001 year indicated runs throughout the entire calendar year

(January 1-December 31). July 1<sup>st</sup> is the deadline for implementing regulations in years 2002-2004.

**YEAR AREA 4**

2001 3-9/32"\* (83.34 mm)

2002 3-5/16" (84.14 mm)

2003 3-11/32" (84.93 mm)

2004 3-3/8" (85.72 mm)

\*NOTE: No action may be taken in Area 4 until 2002.

**B. Maximum Gauge Size** – As of July 1, 200~~28~~8, for any person or vessel permitted or declared to fish in LFMA 4, the maximum gauge size for American lobster (~~FEMALES ONLY~~) shall be no greater than 5-1/4 inches\* (133.35 mm).

~~\*NOTE: Area 4 may consider a maximum gauge size of 5 inches (127.0 mm) if, following an updated stock assessment, it is necessary to meet lobster management plan goals and objectives. If maximum gauge sizes are not in effect in adjacent LFMA's, then Area 4 fishermen may V-notch female lobsters above the maximum gauge size.~~

**5. Lobster Fishery Management Area 5 (Inshore Southern Mid-Atlantic) –**

**A. Minimum Gauge Size** – The minimum gauge size for American lobster in LFMA 5 shall be no lower than the carapace length identified in the following schedule. The 2001 year indicated runs throughout the entire calendar year

(January 1-December 31). July 1<sup>st</sup> is the deadline for implementing regulations in years 2002-2004.

**YEAR AREA 5**

2001 3-9/32"\* (83.34 mm)

2002 3-5/16" (84.14 mm)

2003 3-11/32" (84.93 mm)

2004 3-3/8" (85.72 mm)

\*NOTE: No action may be taken in Area 5 until 2002.

**B. Maximum Gauge Size** – As of July 1, 200~~48~~8, for any person or vessel permitted or declared to fish in LFMA 5, the maximum gauge size for American lobster (~~FEMALES ONLY~~) shall be no greater than 5-1/~~24~~2 inches\* (~~139.70~~ 133.35 mm).

~~\*NOTE: Area 5 will implement the maximum gauge size of 5-1/2 inches if, following an updated stock assessment, it is necessary to meet lobster management plan goals and objectives. If maximum gauge sizes are not in effect in adjacent LFMA's, then Area 5 fishermen may V-notch female lobsters above the maximum gauge size.~~

**6. Lobster Fishery Management Area 6 (New York and Connecticut State Waters)**

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**A. Minimum Gauge Size** – The minimum gauge size for American lobster in LFMA 6 (New York and Connecticut state waters) shall be no lower than the

carapace length identified in the following schedule. July 1<sup>st</sup> is the deadline for implementing these regulations in the calendar years indicated below:

**YEAR AREA 6**

2004\* 3-9/32" (83.34 mm)

2005\* 3-5/16" (84.14 mm)

\*NOTE: Area 6 will implement minimum gauge size increases beyond 3-1/4", at the rate of 1/32" per year, beginning in 2004, until a final minimum gauge size of 3-5/16" is reached, if, following an updated stock assessment, it is necessary to meet lobster management goals and objectives.

**B. Maximum Gauge Size – ~~There is currently no maximum gauge size for American lobster in LFMA 6. The maximum gauge size for American lobster in LFMA 6 shall be no greater than the carapace length of 5-1/4 inches (133.35mm).~~**

**2) Proposed amendments to the recreational fluke management plan**

**Summer Flounder recreational language**

**7.7.4 Summer flounder Recreational Regulations**

**7.7.4-1 Size and Possession – No person fishing recreationally shall possess a summer flounder less than nineteen inches (19") total length, and no person fishing recreationally shall possess, per calendar day, more than seven (7) summer flounder whether caught within the jurisdiction of this state or otherwise. Compliance with the possession limit aboard vessels will be determined by dividing the number of fish on a vessel by the number of recreational fishermen onboard said vessel.**

**7.7.4-2 Season – The recreational season for summer flounder in Rhode Island waters is open from May 18 through September 16. The season is closed from January 1 through May 17 and September 17 through December 31. Possession of summer flounder taken from any waters of the state for recreational purposes during the closed season is prohibited.**

**The following table of options can be applied to the summer flounder language in section 7.7.4 (see above):**

Options	Min Size	Bag Limit	Open Season	Total Reduction
1	19	2	June 28 – Sep 1	52.1
2	19	2	June 7 – July 22	52.1
3	19	4	July 6 – Sep 1	52.0
4	19	4	June 7 – July 14	51.9
5	19	7	July 7 – Sep 1	51.6
6	19	7	June 7 – July 13	51.4
7	19.5	2	June 1 – Sep 1	51.5
8	19.5	4	June 12 – Sep 1	51.9
9	19.5	4	June 7 – Aug 19	51.5

10	19.5	7	June 14 – Sep 1	51.2
11	19.5	7	June 7 – Aug 12	51.8
12	20	7	Jan 1 – Dec 31	57.0

### 3) Proposed amendments to the recreational black sea bass management plan

#### Status Quo

##### 7.14.2 Recreational Harvest

7.14.2-1 – Legal Minimum Size -- No person fishing recreationally shall possess a black sea bass less than twelve inches (12") total length, and no person fishing recreationally shall possess, per calendar day, more than twenty-five (25) black sea bass whether caught within the jurisdiction of this State or otherwise. Compliance with the possession limit aboard vessels will be determined by dividing the number of fish on a vessel by the number of recreational fishermen onboard said vessel.

7.14.2-2 – Recreational Season -- The recreational season for black sea bass in Rhode Island waters is open from January 1 through December 31, annually.

### 4) Proposed amendments to the recreational scup management plan

#### Option 1 – All modes other than party and charter boats

##### 7.11.4 Scup - Recreational

7.11.4-1 - No person fishing recreationally shall possess scup less than ten and one half inches (10.5") total length, and no person fishing recreationally shall possess, per calendar day, more than ~~twenty-five (25)~~ ten (10) scup, whether caught within the jurisdiction of this State or otherwise except as provided in section 7.11.4-3. Compliance with the possession limit aboard vessels will be determined by dividing the number of fish on board a vessel by the number of fishermen on board said vessel.

7.11.4-2 – The recreational season for scup in Rhode Island waters will be open from ~~June 1~~ May 24 through ~~October 31~~ September 25 annually.

#### Option 2 – Party and charter boats early season

7.11.4-3 – While fishing on a party or charter boat, no person shall possess scup less than ~~ten and one half inches (10.5")~~ eleven inches (11") total length, and no person fishing while on a party or charter boat shall possess, per calendar day, whether caught within the jurisdiction of this State or otherwise, more than ~~twenty five (25)~~ ten (10) scup from ~~June 1 through August 31~~ May 15 through August 3, and more than ~~sixty (60)~~ forty-five (45) scup from ~~September 1 through October 31~~ August 4 through September 17.

Compliance with the possession limit aboard vessels will be determined by dividing the number of fish on board a vessel by the number of fishermen on board said vessel.

**Option 3 – Party and charter boats late season**

**7.11.4-3 – While fishing on a party or charter boat, no person shall possess scup less than ~~ten and one half inches (10.5")~~ eleven inches (11") total length, and no person fishing while on a party or charter boat shall possess, per calendar day, whether caught within the jurisdiction of this State or otherwise, more than ~~twenty five (25)~~ ten (10) scup from ~~June 1 through August 31~~ June 12 through August 31, and more than ~~sixty (60)~~ forty-five (45) scup from ~~September 1 through October 31~~ September 1 through October 15.**

**Compliance with the possession limit aboard vessels will be determined by dividing the number of fish on board a vessel by the number of fishermen on board said vessel.**

**5) Proposed amendments to section 15.14.1-1(a)(5) of the lobster management plan**

**15.14.1-1(a) For persons possessing a valid RI commercial fishing license (licensee) for the catching, taking, or landing of American lobster, and who also own or are incorporated/partnered in a vessel(s) holding a Federal Limited Access Lobster Permit (Federal Lobster Permit), the following shall apply:**

**(5) No licensees owning/partnered/incorporated in vessel(s) holding a Area 2 Federal Lobster Permit shall be permitted to deploy, place, set, tend, haul, lift, raise, supervise, or maintain lobster traps from said Area 2 federally-permitted vessel(s), or to catch/take American lobster within the jurisdiction of the State of RI from said Area 2 federally-permitted vessel(s), unless the lobster traps are tagged with federally-designated lobster trap tags that includes a Lobster Fishery Management Area 2 declaration, issued to said federally-permitted vessel(s).**

**6) Proposed amendments to section 15.14.1-8 of the lobster management plan regarding trap tag effective dates**

**15.14.1-8 Trap Tag Issuance – Lobster trap tags shall be valid from ~~May~~ June 1 through ~~April 30~~ May 31, annually. Official forms will be mailed to all persons licensed by the State of Rhode Island to catch or take American lobster no later than ten (10) days from receipt of the renewal application or December 15, annually. Trap tags will be issued and mailed directly to commercial licensees as orders are received and processed by the approved trap tag vendor.**

**7) Proposed amendments to the RI codfish regulations**

**Option 1 – Status Quo**

**7.22 Cod**

**7.22.1 – Commercial**

**7.22.1-1 Minimum size -- No person fishing commercially shall land or possess any cod measuring less than twenty-two inches (22") total length whether caught within the jurisdiction of this State or otherwise.**

**7.22.1-2 Possession Limits – For any non-federally permitted RI licensed vessel, the possession limit will be 75 pounds of cod per vessel per calendar day.**

**7.22.1-3 Vessels in possession of a federal permit allowing the commercial harvest of cod may transit state waters in possession of cod in the amount authorized to be possessed pursuant to applicable federal regulations and land the same if so permitted pursuant to Rhode Island State Law, so long as all of the fish harvesting gear on board the vessel is stowed while in state waters**

**Option 2 – Alternate Possession Limit**

**7.22 Cod**

**7.22.1 – Commercial**

**7.22.1-1 Minimum size -- No person fishing commercially shall land or possess any cod measuring less than twenty-two inches (22") total length whether caught within the jurisdiction of this State or otherwise.**

**7.22.1-2 Possession Limits – For any non-federally permitted RI licensed vessel, the possession limit will be 200 ~~75~~ pounds of cod per vessel per calendar day.**

**7.22.1-3 Vessels in possession of a federal permit allowing the commercial harvest of cod may transit state waters in possession of cod in the amount authorized to be possessed pursuant to applicable federal regulations and land the same if so permitted pursuant to Rhode Island State Law, so long as all of the fish harvesting gear on board the vessel is stowed while in state waters**

**Option 3 – Alternate Possession Limit**

**7.22 Cod**

**7.22.1 – Commercial**

**7.22.1-1 Minimum size -- No person fishing commercially shall land or possess any cod measuring less than twenty-two inches (22") total length whether caught within the jurisdiction of this State or otherwise.**

**7.22.1-2 Possession Limits – For any non-federally permitted RI licensed vessel, the possession limit will be 1,000 ~~75~~ pounds of cod per vessel per calendar day.**

**7.22.1-3 Vessels in possession of a federal permit allowing the commercial harvest of cod may transit state waters in possession of cod in the amount**

authorized to be possessed pursuant to applicable federal regulations and land the same if so permitted pursuant to Rhode Island State Law, so long as all of the fish harvesting gear on board the vessel is stowed while in state waters